

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MORRIS HOWARD, et al., }
v. Plaintiff, } Civil Action No. 08-308 Erie
JEFFREY BEARD, et al., }
Defendants. }

MEMORANDUM JUDGMENT ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on November 6, 2008 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [10], filed on January 30, 2009, recommends that the following individuals be dismissed as Plaintiffs in this case for failure to prosecute: Morris Howard, Shawn Brown, Joseph McGolgon, Timothy Schofield, Charley Jones, Robert Bailey, Luis Perez, Earl Lilly, Curt Thomas, John Sparkman, John Daniels, Devin Spady, Joseph Smith, and Qualan Burns. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiffs by certified mail to their respective addresses of record. To date, no objections have been filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 23rd day of April, 2009;

IT IS ORDERED that the following individuals be, and hereby are, DISMISSED as Plaintiffs in this case based on their failure to prosecute their respective claims: Morris Howard, Shawn Brown, Joseph McGolgon, Timothy Schofield, Charley Jones, Robert Bailey, Luis Perez, Earl Lilly, Curt Thomas, John Sparkman, John Daniels, Devin Spady, Joseph Smith, and Qualan Burns. The foregoing individuals should be terminated from the case and, as a result, the only remaining Plaintiffs are

D. McDougald, Kareem Henderson, and Demetrius Bailey. Consistent with the foregoing, the Clerk is hereby directed to amend the case caption to reflect "D. McDougald" as the lead Plaintiff in this case.

The Report and Recommendation of Chief Magistrate Judge Baxter [10], dated January 30, 2009, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
Chief U.S. Magistrate Judge Baxter